

**ORRICK, HERRINGTON & SUTCLIFFE LLP**

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC, and  
Bernard L. Madoff,

Plaintiff,

v.

KOCH INDUSTRIES, INC., as successor in interest  
to Koch Investment (UK) Company,

Defendant.

Adv. Pro. No. 08-01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 12-01047 (BRL)

**DECLARATION OF JONATHAN P. GUY**

I, Jonathan P. Guy, declare under penalty of perjury of the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am senior counsel with the law firm of Orrick, Herrington & Sutcliffe LLP, attorneys for Defendant Koch Industries, Inc. in this action.

2. I am a member of the Bar of the State of New York and admitted to practice before this Court.

3. I submit this declaration in support of the motion of Defendant Koch Industries, Inc. to dismiss the complaint filed in this action.

4. Attached hereto as Exhibit A is a true and complete copy of the Amended Complaint filed at ECF No. 23 in *Picard v. Fairfield Sentry Limited*, No. 09-01239 (Bankr. S.D.N.Y.), exclusive of the exhibits thereto.

5. Attached hereto as Exhibit B is a true and complete copy of the Affidavit of Stephen Edmund Hansen Phillips filed at ECF No. 33 in *Fairfield Sentry Limited v. Koch Investment (UK) Company*, No. 11-01606 (Bankr. S.D.N.Y.).

Dated: July 22, 2022  
Washington, D.C

/s/ Jonathan P. Guy

Jonathan P. Guy